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OFFICE OF PETITIONS

In re Application of :
Friedlander, et al. :
Application No. 10/693,609 : **ON PETITION**
Filed: October 23, 2003 :
Attorney Docket No. 07414.0075- :
00000 :

This is a decision on the "PETITION UNDER 37 CFR 1.10(c) TO CORRECT FILING DATE AND REQUEST FOR CORRECTED FILING RECEIPT", filed March 30, 2004 (certificate of transmittal dated March 9, 2004), to accord the above-identified application a filing date of October 23, 2003.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on October 31, 2003, not October 24, 2003. In support thereof, petitioner has included a copy of an Express Mail mailing label, bearing Express Mail number EV 3351294240 US, and containing a date-in entry and a USPS stamp dated October 23, 2003.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

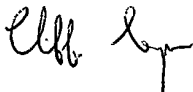
Here, petitioner has met requirements (1), (2), and (3) above.

In view of the above, the application is entitled to a filing date of October 23, 2003.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **October 23, 2003, not October 24, 2003**, and for entering of the claim for priority to provisional application no. 60/421,035, filed October 23, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: corrected filing receipt (2 pages)